



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 16 जून, 1981/26 ज्येष्ठ, 1903

हिमाचल प्रदेश सरकार

निर्वाचन विभाग

अधिसूचना

शिमला-171002, 30 मई, 1981

संख्या 3-24/80-इलैक.—भारत निर्वाचन आयोग की अधिसूचना संख्या 82/हि० प्र०/1/80, दिनांक 4 मई, 1981 जिसमें 4-हमीरपुर संसदीय निर्वाचन क्षेत्र से 1980 में लोक सभा के लिये हुये साधारण निर्वाचन में संसद सदस्य श्री नारायण चन्द के निर्वाचन को प्रश्नगत करने वाली श्री हुकम सिंह आज्ञाकारी द्वारा दाखिल की गई निर्वाचन याचिका पर उच्च न्यायालय, हिमाचल प्रदेश का निर्णय अन्तर्विष्ट है, जन-साधारण की सूचनार्थ पुनः प्रकाशित की जाती है।

आदेश से,
पी० पी० श्रीवास्तव,
मुख्य निर्वाचन अधिकारी,
हिमाचल प्रदेश।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001,
4th May, 1981

Dated: _____
Vaisakha 14, 1903 (Saka).

NOTIFICATION

No. 82/HP/1/80.—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgement dated the 23rd March, 1981 of the High Court of Himachal Pradesh at Simla, in Election Petition No. 1 of 1980.

By order,
O. N. NAGAR,
Under Secretary,
Election Commission of India.

भारत निर्वाचन आयोग

निर्वाचन सदन,
अशोक मार्ग,
नई दिल्ली-110001,
4 मई, 1981

तारीख _____
वैसाख 14, 1903 (शक्)

अधिसूचना

सं. 82/हि. प्र./1/80:—लोक प्रतिनिधित्व अधिनियम, 1951 की धारा, 111 के अनुसरण में, निर्वाचन आयोग सन् 1980 की निर्वाचन अर्जी सं 0 1 में हिमाचल प्रदेश, शिमला के उच्च-न्यायालय के तारीख 23 मार्च, 1981 का निर्णय एतद्द्वारा प्रकाशित करता है।

आदेश से,
ओ. न. नागर,
अवर सचिव,
भारत निर्वाचन आयोग।

Copy of judgement delivered on March, 23, 1981 by the Hon'ble Mr. Justice T.R. Handa, J. in Election Petition No. 1 of 1980, titled;

Shri Hukam Singh Agiakari son of Thakur Teja Singh, resident of Village Kuthera Jaswalan,
Tehsil Amb, District Una (H.P.)

.. Petitioner.

Versus

1. Shri Narayan Chand, M.P., resident of Village and P.O. Sera, Tehsil and District Hamirpur.
2. Shri Prem Dutt alias Prem Parbhakar, resident of Santokhgarh, District Una (H.P.)

.. Respondents.

**COPY OF JUDGEMENT
IN THE HIGH COURT OF HIMACHAL PRADESH
SIMLA**

Election Petition No. 1 of 1980

Date of decision March 23, 1981.

Shri Hukam Singh Agiakari

.. Petitioner.

Versus

Shri Narayan Chand and another

.. Respondents.

CORAM:

The Hon'ble Mr. Justice T. R. Handa, J.

The Hon'ble Mr. Justice

The Hon'ble Mr. Justice

Whether approved for reporting?

For the Appellant(s)/Petitioner(s) M/s G.S. Ahuja and Rajeev Mehta, Advocates.

For the Respondent(s) Shri A. K. Goel *vide* Shri Inder Singh (counsel for respondent No. 1).

T.R. HANDA, J.

Shri Narayan Chand, respondent No. 1, was elected as member of the Lok Sabha from 4-Hamirpur parliamentary constituency in the elections held in 1979-80. The petitioner, Shri Hukam Singh Agiakari, who was one of the candidates for this election, filed the present election petition under section 100 of the Representation of the People Act, 1951 challenging the aforesaid election of respondent No. 1 on various grounds, the details of which need not be mentioned for the purposes of the present order. Suffice to say that on the pleas of the parties, the following five preliminary issues were framed by this Court on 24-7-1980.

1. Whether the petitioner was a candidate for Janta Secular Party for the Parliamentary election held in January, 1980 for Hamirpur constituency and had the requisite letter for allotment of the party symbol, i.e., 'Farmer Ploughing Field'?
2. Whether the symbol namely, Farmer Ploughing Field originally allotted to the petitioner was changed by the Returning Officer in violation of the rules?
3. In case issue No. 2 is found against the petitioner, whether the election petition as originally filed was maintainable in law on other grounds mentioned therein?
4. Whether the order dated 5-3-1980 directing the petitioner to amend the original election petition is invalid in law?
5. Whether the election petition as now filed is still bad in law for non-compliance of the mandatory provisions of section 83 of the Representation of the People Act, 1951?

The parties were called upon to produce their evidence in support of and against the above preliminary issues. After 5 witnesses of the petitioner and 2 witnesses of the respondent had been examined, the petitioner moved the present application under section 109 of the Representation of the People Act, 1951 for permission to withdraw the election petition. In this application, which is duly supported by the petitioner's own affidavit, the petitioner has stated that taking into consideration all the facts and the evidence produced on the record till now, he considers that it will not serve any useful purpose to prosecute the election petition. He has also declared that the application has not been induced by any bargain or consideration which ought not to be allowed.

Notice of this application was published in the Official Gazette of 7-3-1981 as required by section, 110(2)(b). No person has come forward to apply to be substituted as petitioner within the statutory period of 14 days.

I have gone through the pleadings of the parties as also the evidence produced so far on the preliminary issues and am satisfied that the petitioner has moved this application under the *bonafide* belief that it would serve no useful purpose for him to prosecute the petition any further and that it is in his own interest to withdraw the petition at this stage and to save himself from the liability for full costs. I am also satisfied that the petitioner has not been induced by any bargain or any other consideration which ought not to be allowed.

I would accordingly allow this application and permit the petitioner to withdraw from the election petition which is dismissed as withdrawn. The petitioner shall pay the costs of respondent No.1 incurred so far for which keeping in view the preliminary stage of the proceedings are assessed at Rs. 500.

A copy of this order be forwarded to the Election Commission.

Simla, dated the March 23, 1981.

T. R. HANDA, J.

**TRANSPORT DEPARTMENT
NOTIFICATION**

Simla-2, the 27th May, 1981

No. 1-6/76-Tpt.—In exercise of the powers conferred by section 44 of the Motor Vehicles Act, 1939 (IV of 1939) and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to appoint Shri Gulab Singh, M.L.A. as non-official member of the State Transport Authority, Himachal Pradesh constituted *vide* this department notification of even number, dated the 6th October, 1980.

KANWAR SHAMSHER SINGH,
Secretary.